



**IT IS ORDERED as set forth below:**

**Date: July 27, 2010**

*Wendy L. Hagenau*

Wendy L. Hagenau  
U.S. Bankruptcy Court Judge

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

**IN RE:** : **CHAPTER 11**  
: :  
**SUBTLE ELEGANCE, LLC,** : **CASE NO. 10-76360-WLH**  
: :  
**DEBTOR.** : :

**ORDER DIRECTING DISGORGEMENT OF ATTORNEY'S FEES**

This matter came before the court on July 15, 2010 for a hearing on the United States Trustee's motion for an order directing disgorgement of fees received by Grady A. Roberts (the "Motion"). Vivieon Kelley appeared for the United States Trustee. There was no appearance at the hearing by counsel for the debtor Grady A. Roberts ("Roberts") or any representative of the debtor. The record reflects proper service of the motion and notice of hearing.

The United States Trustee contends in the Motion that cause exists for the review of the fees received by Roberts pursuant to section 329 of the Bankruptcy Code. In this case, Roberts has failed to file mandatory documents such as the debtor's schedules or statement of financial affairs. Roberts has failed to request from the Court leave for additional time for the documents to be filed. The

debtor has failed to provide the majority of the initial debtor interview (“IDI”) information to the United States Trustee and the debtor and Roberts have failed to appear for either the IDI or the section 341(a) meeting of creditors. Roberts has failed to file the Rule 2016(b) disclosure of compensation form or cause to be filed an application to be employed as counsel in this case. As a result, Roberts’ actions have conferred absolutely no benefit to the estate. At the July 15, 2010 hearing, the United States Trustee argued that Mr. Roberts’ actions in these cases justified disgorgement of all fees he received in connection with the above-referenced case.

The Court, after reviewing the record in the case and listening to the presentation by the United States Trustee finds sufficient cause to grant the relief requested in the Motion. Accordingly, it is

ORDERED that within twenty (20) days of the date hereof, GRADY A. ROBERTS is DIRECTED to file a verified pleading stating the total amount of the fees he and his firm, Roberts Law LLC have received from all sources in connection with that filing of this case. The pleading shall detail the amount of fees Roberts and his firm have received both pre-petition and post-petition, and it is further

ORDERED that within twenty (20) days of the date hereof, GRADY A. ROBERTS is DIRECTED to disgorge the total amount of the fees he and his firm, Roberts Law LLC have received from all sources in connection with that filing of this case, pay such fees into the registry of the Court, and file with this Court a certificate attesting to such disgorgement. The certificate must be verified by Roberts and indicate the amount of payment, the method of payment, and the manner in which the payment was delivered, and it is further

ORDERED that GRADY A. ROBERTS may be subject to additional sanctions as deemed

necessary and appropriate based upon his representation of the debtor and filing of this case; and it is further

ORDERED that if GRADY A. ROBERTS does not comply with the direction as set forth in this Order he may be held in civil contempt which may include additional sanctions.

**END OF DOCUMENT**

**Prepared and submitted by:**

DONALD F. WALTON  
United States Trustee, Region 21  
/s/ Vivieon E. Kelley  
VIVIEON E. KELLEY  
Trial Attorney  
Georgia Bar No. 143033  
United States Department of Justice  
Office of the United States Trustee  
362 Richard B. Russell Building  
75 Spring Street, SW  
Atlanta, Georgia 30303  
(404) 331-4437  
[vivieon.e.kelley@usdoj.gov](mailto:vivieon.e.kelley@usdoj.gov)

**COPIES TO:**

Subtle Elegance, LLC  
Unit M-8  
3781 Martin Luther King, Jr. Drive  
Atlanta, GA 30331

Grady A. Roberts  
Roberts Law, LLC  
191 Peachtree Street, Ste. 3300  
Atlanta, GA 30303

Vivieon E. Kelley  
Office of the United States Trustee  
362 Richard Russell Federal Building  
75 Spring Street  
Atlanta, GA 30303